

Senate Bill No. 545

Passed the Senate September 11, 2009

Secretary of the Senate

Passed the Assembly September 11, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 100.4 of, and to add Section 622.2 to, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 545, Cedillo. Freeway construction.

Existing law requires the Department of Transportation to enter into an agreement prior to any closure of a city street or county highway due to construction of a freeway with a city council or board of supervisors having jurisdiction. Existing law provides an exception to those provisions for a freeway segment within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority, if specified requirements have been met, including that an agreement with one or more counties and cities is not possible because an impasse has existed for 10 or more years after an initial route was adopted.

This bill would limit this exception to construction of a segment of a freeway that consists solely of a subsurface transportation facility, as specified. The bill would also require, as a condition for the exception to apply, that an agreement with one or more counties and cities is not possible because an impasse has existed for 20 or more years after an initial route was adopted.

Existing law establishes State Highway Route 710 from State Highway Route 1 to State Highway Route 210 in Pasadena.

This bill would provide that State Highway Route 710 between Valley Boulevard in the City of Los Angeles and Del Mar Boulevard in the City of Pasadena may not be a surface or above-grade highway.

The people of the State of California do enact as follows:

SECTION 1. Section 100.4 of the Streets and Highways Code is amended to read:

100.4. Notwithstanding Section 100.2, the department may construct a segment of a freeway that consists solely of a subsurface transportation facility, without an agreement with a county or city,

on the route determined by the commission, if all of the following conditions have been met:

(a) The freeway is included within the California freeway and expressway system and a route has been adopted.

(b) Construction has commenced, but has not been completed, leaving an existing gap between the constructed portions of the freeway.

(c) The subsurface transportation facility shall be a tunnel with the alignment to be determined by the department after the completion of environmental studies. Cut and cover construction technology may be employed only at the entrance and exit portals. Neither portal shall encroach on territory of the City of South Pasadena, and the northern portal shall not be constructed south of Palmetto Drive in the City of Pasadena. However, cut and cover technology may also be used in areas necessary to construct tunnel ventilation structures, emergency exits, and any other mitigation measures required for the tunnel.

(d) In addition to the adopted route, there is at least one feasible alternative route as determined by the department.

(e) A draft environmental impact report or statement has been prepared on the unconstructed portion of the freeway.

(f) The affected freeway segment is within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority.

(g) An agreement with one or more counties and cities pursuant to Section 100.2 is not possible because an impasse, as evidenced by the lack of freeway agreements by all affected jurisdictions, has existed for 20 or more years after an initial route was adopted.

(h) Under the conditions set forth in subdivisions (a) to (g), inclusive, the commission shall hold public hearings as it may deem necessary, review the draft or final environmental impact report or statement, and consider the recommendation and records of the authority and other documents as it may deem advisable. The commission shall take into consideration all the traditional factors of route selection by the state, including the question of least adverse economic and physical impact on the communities involved, but any previous selection by the commission or its predecessor shall not be considered binding.

(i) The environmental impact report or statement shall examine the potential impacts of alternative route alignments on the communities involved. The definition and scope of these

communities shall reflect the sense of community of residents within and immediately adjacent to the adopted route and alternate route location.

(j) The department shall prepare a draft environmental impact report or statement. The commission may hold public hearings on the draft environmental impact report or statement as it deems necessary. The department shall prepare a final environmental impact report or statement after the completion of the public review period of the draft environmental impact report or statement. The commission shall select a route after the completion of the environmental impact report or statement.

(k) If the route selected by the commission differs from a prior route adopted by the commission or a prior recommendation by the authority, the commission shall set forth, as a part of its decision statement, the reasons for the route selected.

(l) For any freeway segment constructed pursuant to this section, the department shall establish an outreach program to maximize the participation of businesses and professionals from within the county in which the freeway segment is located in the construction of the freeway segment.

(m) As used in this section, “authority” means the Los Angeles County Metropolitan Transportation Authority.

SEC. 2. Section 622.2 is added to the Streets and Highways Code, to read:

622.2. Route 710 between Valley Boulevard in the City of Los Angeles and Del Mar Boulevard in the City of Pasadena shall not be a surface or above-grade highway.

Approved _____, 2009

Governor